



Meeting: Plan Commission
Meeting Date: 04/15/13
Agenda Item: # 6-7

Mission Statement

Delivering quality services in a courteous, cost-effective and efficient manner.

PLAN COMMISSION STAFF REPORT

REPORT TO: Burt R. McIntyre, President, and Plan Commission members

REPORT FROM: Dave Wiese, Executive Director of Community Development

AGENDA ITEM: A Public hearing and action regarding a proposed amendment to Section at 2456 Glendale Avenue concerning a zoning code amendment to Sec. 50-342. (2) to list Day Care Center, group, as a conditional use in the R-1 Zoning District.

ACTION REQUESTED: ___Ordinance ___Resolution Motion ___Receive/File

RECOMMENDED ACTION

Staff recommends the Plan Commission open the public hearing, invite comments from the public and then take action on the proposed amendment.

BACKGROUND

Many local zoning ordinances place restrictions on the number of children who can attend a day care and the times a home day care may operate. Restrictions vary from city to city. Ordinarily, home day cares are allowed to care for no more than eight to 10 children at once. Some communities also restrict the number of children below or above a certain age.

Under Wisconsin law, no person may provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a child care center from the Department of Children and Families (DCF). This does not include a relative or guardian of a child who provides care and supervision for the child; a public or parochial school, a person employed to come to the home of the child's parent or guardian for less than 24 hours a day; or a county, city, village, town, school district or library that provides programs primarily intended for recreational or social purposes.

There are three different categories of state licensed child care:

- Licensed Family Child Care Centers provide care for up to 8 children. This care is usually in the provider's home.
- Licensed Group Child Care Centers provide care for 9 or more children. These centers are usually located somewhere other than a residence and may be small or large in size.
- Licensed Day Camps are seasonal programs that provide experiences for 4 or more children. These programs usually operate in an outdoor setting.

Attachments

- I** Zoning Regulations- Day Cares (definitions)
- II** Draft Village of Howard Ordinance

ATTACHMENT I

Sec. 50-6. - Definitions.

Day care center, group, means an establishment for the care and supervision of nine or more children under seven years of age for more than four and less than 24 hours per day for more than ten days per month.

Day care home, family, means a private dwelling used for the care and supervision of one to eight children under seven years of age for more than four and less than 24 hours per day for more than ten days per month. For the purposes of this chapter, a family day care home shall be allowed as an accessory use to any permitted or legally established dwelling in any zoning district.

Sec. 50-342. - Uses.

The following uses are allowed in the single-family (R-1) zoning district. All other uses not specifically listed are prohibited:

- (1) **Permitted uses.** The following uses are permitted uses in the single-family (R-1) zoning district:
 - a. Accessory buildings and uses. Subject to the regulations specified in division 3 of article V of this chapter.
 - b. Community living arrangements serving eight or fewer persons.
 - c. Detached, single-family dwellings.
 - d. Duplexes existing on or before May 20, 1986.
 - e. Golf courses (but not including driving ranges, pitch and putt establishments, or miniature golf courses).
 - f. Nursery schools, elementary schools, and junior and senior high schools (nonboarding).
 - g. Parks and playgrounds.
 - h. Public libraries.
- (2) **Conditional uses.** Subject to the regulations specified in division 9 of article II of this chapter. The following uses are conditional uses in the single-family (R-1) zoning district:
 - a. Agriculture.
 - b. Bed and breakfast establishments.
 - c. Colleges, junior colleges, and universities.
 - d. Community living arrangements serving nine or more persons.
 - e. Community (noncommercial) recreational buildings.
 - f. Elementary and junior and senior high schools (boarding).
 - g. Manmade ponds and lakes.
 - h. Other accessory buildings and uses as specified in division 3 of article V of this chapter.
 - i. Philanthropic and charitable institutions.
 - j. Planned developments.
 - k. Public art galleries and public museums.
 - l. Public utility, governmental and service uses, except as specifically exempted in section 50-319
 - m. Radio and television stations, transmitting and receiving equipment, and antenna towers.
 - n. Religious institutions, religious retreats, convents, seminaries, monasteries, rectories, parsonages and parish houses.
 - o. Vocational schools.

(Comp. Ords. 2000, § 17.04(1))

ATTACHMENT II

ORDINANCE NO. 2013 - xx

AN ORDINANCE AMENDING SECTION 50-342 (2) OF THE ZONING ORDINANCE ESTABLISHING DAY CARE, GROUP AS A CONDITIONAL USE IN THE R-1 ZONING DISTRICT.

WHEREAS the Village Clerk published a notice of public hearing regarding such proposed amendment to the Zoning Ordinance and a public hearing was held at the Village Hall on April 15, 2013 at 5:35 p.m., where upon the Plan Commission heard all interested persons and/or their agents and attorneys; and

WHEREAS the Village Board of the Village of Howard has received a written recommendation and findings of the Village Plan Commission regarding such proposed amendment to the Zoning Ordinance;

NOW THEREFORE the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Zoning Ordinance be amended as follows:

SECTION 1 Section 50-342 (2) shall be amended to read as follows:

(2)*Conditional uses.* Subject to the regulations specified in division 9 of article II of this chapter. The following uses are conditional uses in the single-family (R-1) zoning district:

- a) Agriculture.
- b) Bed and breakfast establishments.
- c) Colleges, junior colleges, and universities.
- d) Community living arrangements serving nine or more persons.
- e) Community (noncommercial) recreational buildings.
- f) Elementary and junior and senior high schools (boarding).
- g) Manmade ponds and lakes.
- h) Other accessory buildings and uses as specified in division 3 of article V of this chapter.
- i) Philanthropic and charitable institutions.
- j) Planned developments.
- k) Public art galleries and public museums.
- l) Public utility, governmental and service uses, except as specifically exempted in [section 50-319](#)
- m) Radio and television stations, transmitting and receiving equipment, and antenna towers.
- n) Religious institutions, religious retreats, convents, seminaries, monasteries, rectories, parsonages and parish houses.
- o) Vocational schools.
- p) **Day Care Center, Group**

SECTION 2 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3 This ordinance shall take effect upon its adoption and publication.

Approved and adopted this _____ day of April 2013.

Burt McIntyre, Village President

Christopher A. Haltom, Village Clerk